

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

**STATE OF TEXAS, ET AL.,**  
*Plaintiffs,*

v.

**DEPARTMENT OF THE INTERIOR,  
ET AL.,**

*Defendants.*

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**CAUSE NO. 7:23-cv-00047-DC**

**JOINT MOTION TO MODIFY SCHEDULING ORDER DEADLINES**

Plaintiffs in Case No. 7:23-cv-00047-DC-RCG, the State of Texas, the State of Kansas, and the State of Oklahoma (collectively, “State Plaintiffs”); Plaintiffs in Case No. 7:23-cv-00049-DC-RCG, Permian Basin Petroleum Association, National Cattlemen’s Beef Association, Texas Cattle Feeder’s Association, Kansas Livestock Association, Oklahoma Cattlemen’s Association, and New Mexico Cattle Grower’s Association (collectively, “Industry Plaintiffs”); and Defendants, the United States Department of the Interior, the United States Fish and Wildlife Service (the “Service”), Debra Haaland, in her official capacity as Secretary of the Interior, and Martha Williams, in her official capacity as Director of the Service, respectfully request modification of certain deadlines imposed by the Court’s September 13, 2023, Scheduling Order, Doc. 39. In support of this motion, the Parties state as follows:

1. The Court entered the Scheduling Order governing this case on September 13, 2023. Doc. 39.
2. The Scheduling Order contains, *inter alia*, deadlines regarding pleadings/joinder of parties, the production of the administrative record and motions on the same, as well as deadlines for the briefing of dispositive motions. Doc. 39.

3. Under the current scheduling order, Defendants shall produce a provisional administrative record and provide copies to each separately represented party no later than November 3, 2023.
4. The Service is in the process of compiling the provisional administrative record in these consolidated matters. Due to limited staff bandwidth and a higher volume of documents that require review than initially anticipated, the Service will not be able to produce a provisional administrative record for Plaintiffs' review by the previously agreed upon November 3, 2023, deadline.
5. In light of these circumstances, the Parties respectfully request modification of the existing case management deadlines to allow the Service sufficient time to compile the provisional administrative record and to afford the parties sufficient time to comply with the subsequent deadlines after production of the provisional record.
6. This is the first motion for modification of the Scheduling Order deadlines.
7. The Parties respectfully request that the Court modify the deadlines in Doc. 39 as follows:

	<b>Existing Deadline</b>	<b>Modified Deadline</b>
Defendants shall produce a provisional administrative record and transmit copies to each separately represented party (Doc. 39 ¶ 3(A))	<b>November 3, 2023</b>	<b>December 1, 2023</b>
The Parties shall meet and confer regarding administrative record issues (Doc. 39 ¶ 3(A))	<b>December 4, 2023</b>	<b>January 4, 2024</b>
Defendants shall lodge the Administrative Record with the Court and transmit copies to each separately represented party (Doc. 39 ¶ 3(B))	<b>January 5, 2024</b>	<b>February 5, 2024</b>
Plaintiffs file any motion to supplement or amend pleadings or join additional parties (Doc. 39 ¶ 2)	<b>January 12, 2024</b>	<b>February 12, 2024</b>

Plaintiffs file any objections or requests to supplement/amend the Administrative Record and any motion for leave to conduct discovery (Doc. 39 ¶ 3(C))	<b>February 9, 2024</b>	<b>March 8, 2024</b>
Defendants respond to any motions filed by Plaintiffs concerning the Administrative Record or leave to conduct discovery (Doc. 39 ¶ 3(D))	<b>March 8, 2024</b>	<b>April 8, 2024</b>
Plaintiffs notify the Court of any remaining issues regarding the Administrative Record or remaining requests for discovery (Doc. 39 ¶ 3(E))	<b>March 22, 2024</b>	<b>April 22, 2024</b>
All Parties file cross-motions for summary judgment (Doc. 39 ¶ 4)	<b>April 26, 2024</b>	<b>May 3, 2024</b>
All Parties file responses to cross-motions for summary judgment (Doc. 39 ¶ 4)	<b>May 31, 2024</b>	<b>June 14, 2024</b>
All Parties file replies in support of their cross-motions for summary judgment (Doc. 39 ¶ 4)	<b>June 14, 2024</b>	<b>June 28, 2024</b>

NOW THEREFORE, the Parties respectfully request that this Court enter an order as follows:

1. The Parties shall file all motions to amend or supplement pleadings or to join additional parties by **February 12, 2024**.
2. By **December 1, 2023**, Defendants shall produce a provisional administrative record and transmit copies to each separately represented party. The Parties shall meet and confer regarding administrative record issues by **January 4, 2024**.
3. By **February 5, 2024**, Defendants shall transmit to each separately represented party and lodge with the Court (1) the entire Administrative Record in this matter and (2) an affidavit authenticating the Administrative Record, detailing the process and procedure by which the Administrative Record was collected, and certifying its completeness.
4. By **March 8, 2024**, Plaintiffs shall file any objections or requests to supplement/amend the Administrative Record. Any disputes regarding the sufficiency, scope, or content of

the Administrative Record or the supplementation of the same not raised during consultation of the Parties and by motion or before the **March 8, 2024**, deadline will be deemed to have been waived. If Plaintiffs believe discovery is needed to supplement or amend the Administrative Record, they shall file a motion for leave to do so by this date with a copy of the specific discovery sought.

5. By **April 8, 2024**, Defendants shall respond to any of the following filed by Plaintiffs, if any: motion for leave to seek discovery, objections or requests to supplement/amend the Administrative Record.
6. By **April 22, 2024**, Plaintiffs shall notify the Court whether any pending motion for leave to conduct discovery and/or objections to or requests to supplement/amend the Administrative Record remain, if any. The Parties agree that no additional motions for leave to conduct discovery and/or objection to or requests to supplement/amend the Administrative Record will be filed on this date.
7. Motions for summary judgment shall be filed by **May 3, 2024**. Responses to motions for summary judgment shall be filed by **June 14, 2024**. Reply briefs supporting a party's motion for summary judgment shall be filed by **June 28, 2024**.

Respectfully submitted this 31st day of October, 2023:

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Western District of Texas by using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Caitlyn F. Cook

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